

A BILL FOR AN ORDINANCE AMENDING THE)
 LEBANON COMPREHENSIVE PLAN MAP)
 DESIGNATION TO ESTABLISH THE RESIDENTIAL)
 MIXED DENSITY DESIGNATION FOR THE)
 PROPERTY (12S-02W-14CA, TAX LOT 300) AND)
 ANNEXING AND ZONING THE PROPERTY)
 FOLLOWING CONSENT FILED WITH THE CITY)
 COUNCIL BY LANDOWNERS IN SAID AREA)
 PURSUANT TO ORS 222.120 AND ORS 222.170)
 File A-20-07 & CPMA-20-02; STEVEN KIRKELIE)

ORDINANCE BILL NO. 2021-02
 ORDINANCE NO. 2958

WHEREAS, the City of Lebanon has received a submission by written request to amend the Comprehensive Plan Map Designation from Residential Low Density to Residential Mixed Density and Annex the property herein described in Exhibit "A"; and,

WHEREAS, on December 16, 2020, the Planning Commission for the City of Lebanon conducted a hearing on Planning File No. A-20-07 & CPMA-20-02, making findings recommending the amendment to the Comprehensive Plan Map designation to establish the Residential Mixed Density (C-RM) designation, and to Annex the subject property establishing the zoning designation of Residential Mixed Density (Z-RM); and,

WHEREAS, after conducting the hearing and considering all objections or remonstrance regarding the proposed Annexation and Comprehensive Plan Map designation, and further considering the recommendation of the Lebanon Planning Commission, the City Council finds that the proposed Annexation and Comprehensive Plan Map amendment is in the best interest of the City.

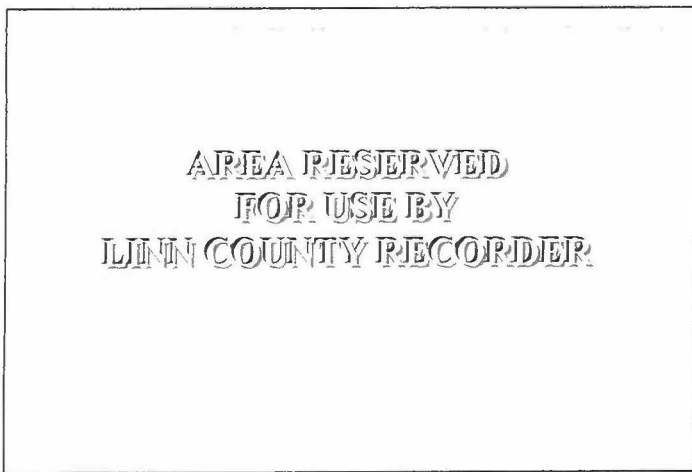
NOW, THEREFORE, the City of Lebanon ordains as follows:

Section 1. Findings. In addition to the findings referred to above, the City Council further adopts and finds those matters contained in Exhibit "B" which is incorporated herein by this reference as if fully set forth at this point.

Section 2. Comprehensive Plan Map Amendment. Based upon the findings adopted herein, the Lebanon Comprehensive Plan Map is hereby amended, such that the property herein described in Exhibit "A" shall be designated Residential Mixed Density (C-RM).

Section 3. Annexation Area. Based upon the findings contained above and in Exhibit "B", the contiguous territory described in Exhibit "A" and incorporated herein by this reference as if fully set forth is hereby proclaimed to be annexed to the City of Lebanon, and zoned as indicated in accordance with the Lebanon Development Code, and assigned the corresponding Residential Mixed Density (Z-RM).

Section 4. Said Ordinance shall be forwarded to the Oregon Land Conservation and



LINN COUNTY, OREGON 2021-02866
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 Cnt=1 Stn=10131 S. WILSON
 \$20.00 \$11.00 \$60.00 \$19.00 \$10.00 \$120.00

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 I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
 Steve Druckenmiller - County Clerk



Development Commission and any other entities as required by law for their review.

Passed by the Lebanon City Council by a vote of 6 for and 0 against
and approved by the Mayor this 13th day of January 2021.

CITY OF LEBANON, OREGON



Paul R. Aziz, Mayor
Jason Bolen, Council President

Attested:



Kim Scheafer, MMC, City Recorder

EXHIBIT "A"
ANNEXATION LEGAL DESCRIPTION & MAP

(TAX LOT 300, LINN COUNTY ASSESSORS MAP 12S02W14CA
AND A PORTION OF FRANKLIN STREET)

AN AREA OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, CITY OF LEBANON, LINN COUNTY, OREGON AND BEING MORE SPECIFICALLY DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF PARCEL 2, PARTITION PLAT NO. 2018-58, IN THE CITY OF LEBANON, LINN COUNTY, OREGON; THENCE ALONG THE WEST RIGHT OF WAY OF FRANKLIN STREET NORTH 1°14'45" EAST 567.41 FEET; THENCE LEAVING SAID RIGHT OF WAY SOUTH 88°45'15" EAST 50.00 FEET TO A POINT ON THE EAST RIGHT OF WAY OF SAID FRANKLIN STREET; THENCE LEAVING SAID EAST RIGHT OF WAY SOUTH 88°49'58" EAST 343.98 FEET TO THE NORTHEAST CORNER OF THE LAND DESCRIBED AS "PARCEL 2" IN DEED DOCUMENT NO. 2013-02616; THENCE SOUTH 0°45'02" WEST 272.35 FEET TO THE NORTHEAST CORNER OF THE LAND DESCRIBED AS "TRACT II" IN DEED DOCUMENT NO. 2008-20472; THENCE ALONG THE NORTH LINE OF SAID "TRACT II" NORTH 88°49'58" WEST 82.66 FEET TO THE NORTHWEST CORNER OF SAID "TRACT II"; THENCE SOUTH 1°14'45" WEST 300.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF RUSSELL STREET; THENCE ALONG SAID RIGHT OF WAY NORTH 88°49'58" WEST 251.65 FEET; THENCE NORTH 1°09'28" EAST 0.50 FEET; THENCE ALONG THE ARC OF A 13.50 FOOT RADIUS CURVE TO THE RIGHT FOR 14.80 FEET (CHORD BEARS NORTH 57°26'12" WEST 14.07 FEET TO A POINT ON SAID EAST RIGHT OF WAY OF FRANKLIN STREET; THENCE SOUTH 1°14'45" WEST 3.13 FEET; THENCE NORTH 88°29'18" WEST 50.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED AREA CONTAINS ± 4.62 ACRES MORE OR LESS.

LINN COUNTY SURVEY 3741 WAS USED AS A REFERENCE.

ANNEXATION MAP

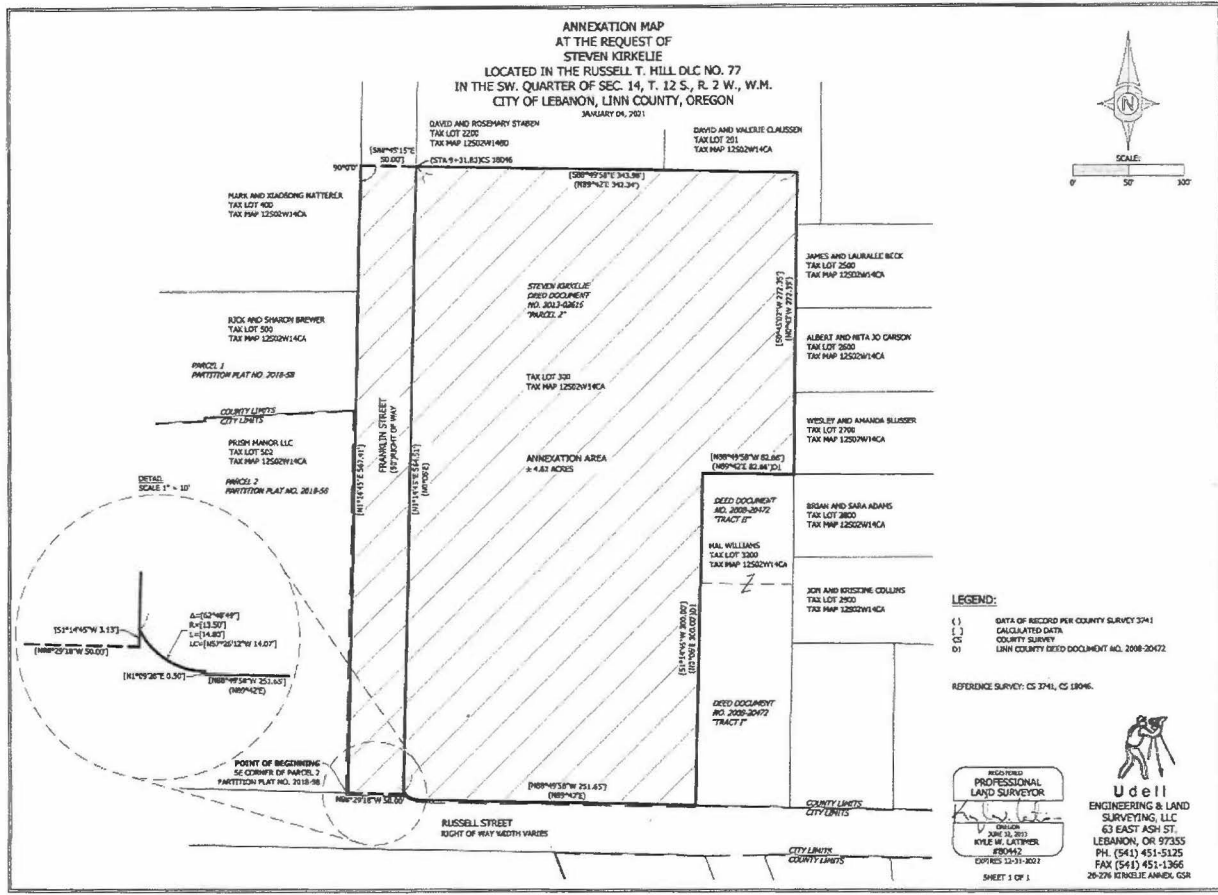


EXHIBIT B LEBANON CITY COUNCIL FINDINGS

I. NATURE OF THE APPLICATION

This matter comes before the Lebanon City Council on the application of Steven Kirkelie to amend the comprehensive plan map designation from Residential Low Density to Residential Mixed Density for the subject property, and annex the property establishing the zoning designation of Residential Mixed Density.

II. GENERAL INFORMATION

A. Site Location

The subject property is located on northeast corner of Russell Drive and Franklin Street with the site address 599 Russell Drive. The County Assessor Map places the parcel within Township 12 South; Range 2 West; Section 14CA; Tax Lot 300.

B. Application Proposal

The property is currently within County unincorporated area within the City's Urban Growth Boundary. The proposal includes the annexation of the 3.98-acre property, including a comprehensive plan map amendment to change the designation from Residential Low Density (C-RL) to Residential Mixed Density (C-RM). With approval of the map amendment, upon annexation, the property would be zoned Residential Mixed Density (Z-RM).

The City Council consideration is whether to amend the Comprehensive Plan Map designation to Residential Mixed Density, and then annex the property with the zoning designation of Residential Mixed Density (Z-RM).

C. Adjacent Zoning and Land Uses

The property is in a developed residential neighborhood, with additional higher density residential projects recently approved. To the north, and east are residential properties within the county unincorporated area, within the City's Urban Growth Boundary (UGB) with a Comprehensive Plan designation of Residential Low Density (C-RL). Properties to the west and south are in City limits with a zoning designation of Residential Mixed-Density (Z-RM). Both properties to the south and west have recently been approved for two multi-family developments. The property to the west has been approved for a 48-unit apartment project, and the property to the south has been approved for a 78-unit apartment project.

III. PUBLIC HEARING

A. Planning Commission Action

On December 16, 2020, the Lebanon Planning Commission held a virtual public hearing on this application. At the hearing, Planning File A-20-07 & CPMA-20-01 was made a part of the

record. The City noticed the hearing pursuant to Chapter 16.20 of the Lebanon Development Code. No objection was raised as to jurisdiction, evidence or testimony presented at the hearing. The Planning Commission considered written testimony provided prior to and during the meeting. At the end of the hearing, the Planning Commission deliberated on the issue and voted to recommend the City Council approve the proposed Comprehensive Plan Map Amendment and Annexation. The Commission found the proposal consistent with the applicable decision criteria.

IV. FINDINGS OF FACT-GENERAL

The Lebanon City Council, after careful consideration of the testimony and evidence in the record, adopts the following General Findings of Fact:

- A. The applicant is Steven Kirkelie, the property owner.
- B. The subject property is located on northeast corner of Russell Drive and Franklin Street with the site address 599 Russell Drive. The County Assessor Map places the parcel within Township 12 South; Range 2 West; Section 14CA; Tax Lot 300.
- C. The total property contains 3.98 acres.
- D. The subject parcel is accessed from Franklin Street.
- E. For City public facilities, water, sewer and storm drainage facilities are available in Russell Drive, and portions of Franklin Street. For transportation, Russell Drive is designated as a Minor Arterial, and Franklin Street is designated as a Collector.
- F. The land is currently located within the Lebanon UGB and designated Residential Low Density (C-RL).
- G. The property is surrounded by residential uses. To the west and south are high density apartment complex developments, and to the north and east are single family residential units.
- H. The proposal includes modification of the comprehensive land use designation from Residential Low Density to Residential Mixed Density, and to annex the property into City limits.
- I. The decision to approve or deny shall be based on criteria contained in the Lebanon Development Code, Chapter 16.27 – Comprehensive Plan Map and Zoning Map Amendments and Urban Growth Amendments, and Chapter 16.26 - Annexations.

V. APPLICATION SUMMARY

- A. The property is currently within County unincorporated area within the City's Urban Growth Boundary. The proposal is to amend the Comprehensive Plan Map designation from Residential Low Density (C-RL) to Residential Mixed Density (C-RM) and annex the property. If the Comprehensive Plan Map designation is amended as

requested, the Applicant would accept the initial zoning associated with the new designation for Residential Mixed Density (Z-RM).

- B. The Department contacted the Department of Land Conservation and Development, affected agencies and area property owners regarding the application. Three letters of opposition were received by neighboring property owners.

VI. CRITERIA AND FINDINGS – COMPREHENSIVE PLAN MAP AMENDMENT

Section 16.27.050 of the Lebanon Development Code identifies the criteria in which to consider amendments to the Comprehensive Plan Map.

- 1. All proposed amendments to the Comprehensive Plan Map or to the Zoning Map shall be consistent with the City of Lebanon's adopted Comprehensive Plan and Facility Plans. The City's Facility plans, including the Transportation System Plan (TSP), are based on the future site service demands according to the Comprehensive Plan Map designation and associated zoning.

The Plan consists of ten Chapters with each Chapter addressing specific land use issues such as housing or natural resources. The *applicable* policies in each Chapter are reviewed below:

- a. Chapter 1: Introduction - The introductory Chapter describes the Comprehensive Plan, its relationship to the Statewide Land Use Goals, the Citizen Involvement program and key terminology. Goals and policies relate to the organization of the Plan, the continued need for citizen involvement and the relationship of the Plan to State law and implementing codes. These goals and policies are incorporated in the Development Code criteria to determine the appropriateness of a Plan and/or zone change.
- b. Chapter 2: Natural Environment – The Chapter address goals and policies related to the City's natural environment.

FINDING: Designated natural resources are not known to be present on the subject property. Regardless, these goals and policies are incorporated in the Development Code criteria and are reviewed at the time of development.

- c. Chapter 3: Urbanization – This Chapter provides the basic framework for future urban development within the City. Staff finds the following policies apply:

Public Facilities Capability Policies

- P-3: Support a flexible phased program for the orderly extension of water, wastewater, storm drainage and transportation services in response to land development proposals.
- P-10: Review all development proposals to ensure that public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments.

FINDING: Based on the City's public facility plans, services are in place to serve the site. The site development will dictate the actual type and level of improvements; however, this will not alter the City's ability to provide public services. Therefore, the proposal is consistent with the noted policies.

Additional Considerations for Conversion of Urbanizable Land to Urban Uses

P-30: Manage its Urban Growth Boundary and the lands within so as to make available sufficient land for the various uses to ensure choices in the marketplace, through implementation of land use regulations and land use policies.

P-31: Manage its Urban Growth Boundary and the lands within so as to encourage development within urban areas before conversion of urbanizable areas, through implementation of land use regulations and land use policies.

FINDING: Based on data contained in Table 3-2 of this Chapter and the 2019 Housing Needs Analysis, there is a projected surplus of RM zoned land but a deficit of RL zoned land. However, both zones allow creation of single-family homes. As such, the conversion from Low Density to Mixed Density does not prohibit or otherwise restrict the creation of single-family homes on the site but does provide additional options to meet community housing needs.

- d. Chapter 4: Land Use – This Chapter details the goals and policies to assure the City provides different types of land within City limits that are suitable for a variety of uses. Staff finds the following policies apply:

General Policies for Land Use

P-1: Recognize that the Comprehensive Plan land use designations or categories shall determine zoning.

P-6: Require that changes to the Comprehensive Plan Map be consistent with the policies of the Comprehensive Plan, State law, and any adopted intergovernmental agreements.

P-12: Ensure that the Zoning Map reflects and implements the Comprehensive Plan Map.

FINDING: The proposal calls for a Residential Mixed Density Plan designation and RM zone, thereby ensuring consistency between the Plan and Zone maps (P-1 and P-12). This review addresses compliance with Comprehensive Plan policies (P-6). The State effectively acknowledged the Comprehensive Plan, therefore, conformance with these policies assures conformance with state law. Compliance with Statewide Goals will be reviewed below, under finding 31 (Chapter 10).

- e. Chapter 5: Population & Economy – This Chapter addresses population growth and economic development as well as those trends affecting both. Staff determined policies in this Chapter did not directly apply to the request as the request would establish a residential land use.

- f. Chapter 6: Housing – This Chapter establishes the City's Goals and Policies related to Housing. The Chapter applies, as it concerns residential zoning.

FINDING: Staff reviewed the policies and provides the following summation:

9.1 Residential Compatibility – This subsection considers placement of manufactured homes, location of neighborhood commercial uses and allowances for home occupations. The subject policies apply to the development of the site and are not directly related to the Plan map change requests.

9.2 Neighborhood Appearance - This subsection establishes screening policies for above ground utilities, the placement of street trees and fencing/landscaping provisions along collector and arterial streets. These policies apply to site development and do not address the matter of the Plan map change requests.

9.3 Housing Density and Affordability – This subsection allows for the creation of density bonuses, cooperation with various agencies to provide affordable housing, and ensure the Development Code provides the variety and type of housing required to meet the community's needs. These policies apply to site development and do not address the matter of the Plan map change requests.

9.4 Housing and Open Space – This subsection notes adequate open space must be included in multifamily projects. The policy applies to the site development and not to the request.

9.5 Housing and Transportation Connectivity – The subsection includes policies on placement of schools in residential area; sidewalk and ADA requirements; placement of bikeways and pedestrian trails; development of local street standards and emergency vehicle access. These policies apply to specific development requirements and not to the Plan and zone change.

9.6 Housing, Public Utilities and Services – Policies call for adequacy of utilities to serve development and undergrounding of all utilities. Further, street lighting is required, street names should be approved by the Fire District and streets should align. Only Policy P-24 regarding public facility provisions directly applies to the request. As noted, services are available to serve the property.

9.7 Refinement Plans – This subsection allows development of neighborhood refinement plans. This policy section does not apply to the request.

Generally, the only policy that directly applies to the request is Policy P-11 calling for the City to provide a variety and type of housing to meet community' needs. This is more likely with the request, as the proposed Plan map and zone allow a greater range of housing options as compared to the existing Residential Low-Density designation.

- g. Chapter 7: Community Friendly Development & Preservation of Historic Resources - This Chapter focuses on policies creating a built environment suitable for the needs of a diverse population through a variety of uses scaled for the pedestrian, and capable of accommodating the automobile and mass transit. In addition, the Chapter focuses on historical preservation. The focus on Community Friendly design is associated with infill development, promotion of mixed-use opportunities, and development specific standards. The proposal is not inclusive of a development request, as such the development specific goals and policies to not apply. In addition, there are no historical sites on the property, as such, the historical preservation goals are not applicable.

Community Friendly Development Policies

- P-9: Encourage mixed uses within individual buildings, neighborhoods, and zoning districts where allowed by planning and building codes, and where there is no or only limited potential for incompatibility or conflict with public health, safety, and

welfare.

- P-10: Allow limited and appropriately scaled neighborhood commercial services in residential zones with appropriate standards to ensure compatibility.

FINDING: The proposed RM zoning allows a mixture of homes and limited commercial activities which is consistent with these policies.

- h. Chapter 8: Transportation – This Chapter addresses the transportation needs of the City with an emphasis of creating a variety of transportation options for pedestrians, bicyclists, vehicles and mass transit. Staff finds the following policies apply:

Transportation System Planning Policies

- P-12: The transportation system shall be managed to reduce existing traffic congestion and facilitate the safe, efficient movement of people and commodities within the community.

FINDING: The subject site is located to the northeast corner of the Russel Drive and Franklin Street intersection. Russel Drive and Franklin Street are classified in the 2018 Lebanon Transportation System Plan (TSP) as a Minor Arterial and Collector Street, respectively.

Lebanon's 2007 and 2018 TSPs do not identify any level of service or congestion issues adjacent to the proposed development. Therefore, the subject property which is developed with an existing single-family dwelling is expected to adequately accommodate traffic from the property.

Additionally, Section 6.12.010(B)(1) includes thresholds for when Traffic Impact Studies (TIS) and Traffic Impact Analysis (TIA) are warranted, which is typically in association with a development proposal.

- i. Chapter 9: Public Facilities and Service - The City is required by State law to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban development. Goals and policies in this Chapter address those requirements. Staff finds the following policies apply:

General Policies

- P-8: Review all development proposals to ensure that public facilities are available and have adequate capacity to accommodate the proposed development, or that such facilities and their capacities can be made available through appropriate extensions and/or enhancements concurrent with or prior to proposed developments. *(Duplicated in Chapter 3, Urbanization)*
- P-9: Require that new developments are either served by existing and/or proposed public infrastructure improvements, and/or are served by privately funded infrastructure extensions and improvements. *(Duplicated in Chapter 3, Urbanization)*
- P-10: Consider impacts on key City-provided urban utility services (water, storm drainage, wastewater, and streets) and any other community facilities that are identified by service providers as substantially impacted by the proposal before development proposals, or rezoning applications are approved.

FINDING: As previously noted, services are available and do not require system-wide improvements to existing public facilities. Therefore, the proposal is consistent with the noted policies.

- j. Chapter 10: Plan Implementation, Amendment, and Land Use Planning Coordination – This Chapter establishes procedures for amending the Comprehensive Plan Map and Zoning Map. Specific applicable policies include:

P-1: The City Council may amend the Comprehensive Plan and/or Map after referral to the Planning Commission public hearing, for action, review, revisions, and recommendations.

P-2: Changes to the Plan and/or Map shall be made by ordinance after public hearings as prescribed by state law and local ordinances.

P-3: Changes in the Plan and/or Map shall be incorporated directly into the document at the appropriate place. A list of all amendments with date of passage shall then become part of the document until the next comprehensive update of the entire Comprehensive Plan.

P-4: An amendment to the Comprehensive Plan and/or Map may be considered when one or more of the following conditions exist:

- a. Updated data demonstrates significantly different trends than previous data;
- b. New data reflects new or previously undisclosed public needs;
- c. New community attitudes represent a significant departure from previous attitudes as reflected by the Planning Commission or City Council;
- d. Statutory changes significantly affect the applicability or appropriateness of existing plan policies.

P-5: Residents, property owners, their authorized agents, the Planning Commission, the City Council, or City staff may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan and/or Map amendment, the applicants shall have the burden of proof that all of the following conditions exist:

- a. There is a need for the proposed change;
- b. The identified need can best be served by granting the change requested;
- c. The proposed change complies with the Statewide Planning Goals; and,
- d. The proposed change is consistent with all other provisions of the City's Comprehensive Plan.

FINDING: Policies P-1, P-2 and P-3 relate the processing of a Plan text or map amendment. The City is obligated to follow these requirements and does so with the public hearing process.

While the proposed zone change does not proscribe a specific development, it does allow greater options than the Residential Low Density designation and zone to meet those needs (P-4.a, P5.a and P-5.b). Further, the establishment of the RM zone does not preclude development of the site with for single family homes.

Compliance with the Statewide Goals (P-5.c) is noted as follows:

Goal 1, Citizen Involvement: *Public hearings will be held before both the Planning Commission and City Council. This is consistent with City procedures and the intent of the Goal.*

Goal 2, Land Use Planning: *The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Comprehensive Plan and Development Code.*

Goal 3, Agricultural Lands: *This Goal does not apply, as the land is not designated farmland.*

Goal 4, Forest Lands: *This Goal does not apply, as the land is not designated forestland.*

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: *The site may contain wetlands which may require mitigation measures to allow development. However, the map changes, by themselves, do not affect these resources.*

Goal 6, Air, Water and Land Resource Quality: *Residential use of the site remains; therefore, there should be no significant impacts on air, water or resource quality than would otherwise occur.*

Goal 7, Natural Hazards: *The site is not located in an area of natural hazards.*

Goal 8, Recreational Needs: *The proposed map amendments do not create uses which would adversely impact recreational opportunities.*

Goal 9, Economic Development: *The map amendments will allow a greater variety of uses thereby increasing development potential. Further, the proposed RM zone does not preclude employment-type activities on the site.*

Goal 10, Housing: *This Goal directly applies, as the map amendments create additional opportunities to meet housing needs of the community. The City has an adopted Comprehensive Plan that projects the housing needs for the City through 2025. In addition, the City commissioned the 2019 Housing Needs Analysis which identified how the City is able to accommodate the projected housing needs over a 20-year period. The Housing Needs Analysis identified that the City had a surplus of land available to accommodate the projected housing needs. Specifically, a total of 2,503 housing units are identified as the housing need within the City's UGB, including 1,320 low density units, 643 medium density units and 540 high density units. To accommodate the need, a total of 437 acres of buildable land was needed to accommodate the housing demand. The City identified a total of 735 acres available, as such, there is a surplus of available housing. In terms of the surplus, there is 240 acres of low-density surplus, 0 acres of medium density surplus, and 63 acres of high-density surplus. The Residential Mixed-Density allows for a mix of residential densities, which provides a greater opportunity to address the mix of housing needs in the City in comparison to the low density residential zone. Therefore, this property would increase the opportunity to provide a mix of residential housing demand, and as such, this proposal would comply with Goal 10.*

Goal 11, Public Facilities and Services: *Previous findings indicate services are available to serve the property and the map amendments will not affect the City's ability to provide necessary public facilities.*

Goal 12, Transportation: *Previous findings indicate the map amendments will not*

significantly affect planned transportation improvements.

Goal 13, Energy Conservation: *The map amendments are neutral regarding energy conservation.*

Goal 14, Urbanization: *Previous findings indicate the change will still allow the City to meet housing needs of the community as the proposed RM zone does not preclude single-family development.*

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: *The proposals do not involve land within the Willamette Greenway or coastal areas.*

Finally, all previous findings indicate the proposal complies with the applicable policies of the City's Comprehensive Plan (P-5.d).

2. Facility plans need to be consistent with the Comprehensive Plan Map as well as the text, and changes to the Map may necessitate changes to a facility plan. For example, changing a Comprehensive Plan Map designation to a higher intensity use may require an amendment to the TSP, sanitary sewer or potable water master plans.

FINDING: The change to the RM zone is not anticipated to adversely impact the City's ability to provide need services. Further, previous findings indicate the existing transportation system can accommodate the Plan and zone change.

3. Applicants proposing amendments to the Zoning Map must request a City Zoning Classification that is consistent with the Comprehensive Plan Map designation for a subject property. If an applicant requests a City Zoning Classification that is **not** consistent with the Comprehensive Plan Map, the zoning requested shall not be granted until the Comprehensive Plan Map is first appropriately amended to reflect concurrence. (See the Annexation Zoning Matrix, Table 16.26-1.) Such an amendment requires a separate application, hearing and decision; this process may occur concurrently with the Zoning Map Amendment hearing.

FINDING: Table 16.26-1 of Development Code Section 16.26.040 identifies the various Comprehensive Plan designations and the zones consistent with these Plan designations. The proposal calls for the "Residential Mixed Density" Plan map designation, and pursuant to this Table, the only allowable zone is Residential Mixed Density (Z-RM). Therefore, the proposed RM zone is entirely consistent with the anticipated designation. No other amendments are required.

4. Section 16.27.080.B states that if proposed amendments to the Comprehensive Plan Map or Zoning Map do not comply with the Comprehensive Plan, the Comprehensive Plan must first be amended so that the proposed Map amendment will be consistent with and accurately implement the Plan.

FINDING: Previous findings indicate the proposal may comply with the applicable Comprehensive Plan policies and does not require amendments to the Plan text. Therefore, this provision does not apply.

VII. CRITERIA AND FINDINGS – ANNEXATION

The subject property is located within the City's Urban Growth Boundary (UGB) and is eligible for annexation into the City limits. Annexation application and review requirements are contained in Chapter 16.26 of the Lebanon Development Code. Annexations require a hearing before the Planning Commission and City Council. The purpose of the Commission hearing is to review the request and recommend whether the Council should approve or deny the Annexation.

Section 16.26.060 contains the decision criteria for an annexation with specific requirements in Section 16.26.060.A. This Section requires compliance with provisions in the City Annexation Ordinance and Lebanon Comprehensive Plan, Chapter 3 – Urbanization. Essentially, the Annexation Ordinance and Comprehensive Plan decision criteria are the same. The findings are combined to avoid duplication:

1. Annexation Ordinance Section 2. - All Annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance (i.e., Development Code), City of Lebanon/Linn County Urban Growth Management Agreement and shall be consistent with applicable State law.

Comprehensive Plan Annexation Policy #P-19: [The City shall] recognize and act on the basis that all annexations shall conform to the requirements of the Lebanon Municipal Code, Annexation Ordinance, Lebanon Land Development Ordinance, City of Lebanon/Linn County Urban Growth Management Agreement (UGMA), and shall be consistent with applicable State law.

FINDING: The application site is located within the City of Lebanon Urban Growth Boundary and is contiguous with city limits, therefore eligible for annexation per the Annexation Ordinance, and the Municipal and Development Codes. The annexation is inclusive of a Comprehensive Plan Map Amendment amending the initial zoning designation from Residential Low Density to Residential Mixed Density. With approval of the comprehensive plan map amendment, the Applicant would accept the zoning designation of Residential Mixed Density. The site complies with the Annexation requirements.

2. Annexation Ordinance Section 3. - All Annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

Comprehensive Plan Annexation Policy #P-20: [The City shall] recognize and act on the basis that all annexations shall be consistent with the goals and policies of the Lebanon Comprehensive Plan.

FINDING: The Annexation Ordinance policies are consistent with, and often mirror, the Comprehensive Plan Annexation Policies. The State acknowledges that the City's Comprehensive Plan complies with all applicable Statewide Planning Goals and statutes, recognizing the consistency of the Plan goals and policies. Therefore, compliance with the applicable Comprehensive Plan policies ensures compliance with the Annexation Ordinance. Findings in the following Sections detail this proposal's compliance with all applicable policies.

More Specifically, this annexation supports the goals and policies under Chapter 4: Land Use, and Chapter 6: Housing. In Section 2.3 of Chapter 4 of the Comprehensive Plan, all areas annexed into the City are automatically placed in a zoning classification in accordance with the Adopted Comprehensive Plan and Map. With the approval of the comprehensive plan map amendment, the comprehensive plan map would identify the subject property as Residential Mixed-Density, with the zoning designation of Residential Mixed-Density. Table 6-5 in Chapter 6 of the Comprehensive Plan identifies the total number of estimated housing needs by type through 2025. The subject property is currently developed with a single-family residence; but being zoned Residential Mixed Density and over 9,000 square feet in size, the site can accommodate all different housing types from single-family detached to multi-family development. Based on the 2019 Housing Needs Assessment completed by the City, there is a need for 291 acres of low-density development acreage, 92 acres of medium density, and 39 acres of high density. In the City and the Urban Growth Boundary, there is an identified surplus of 735 acres of residential land in the City, and 298 acres of residential land in the UGB to accommodate the residential development anticipated to accommodate the population growth. The annexation of this property, and the classification for residential mixed density would accommodate the identified need for any of the residential classifications, and upon development, could be built to provide affordable units, as such, would be consistent with the goals and policies of the Comprehensive Plan.

3. Annexation Ordinance Section 4. - All lands included within the Urban Growth Boundary are eligible for annexation and urban development. Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.

Comprehensive Plan Annexation Policy #P-21: [The City shall] recognize and act on the basis that all lands included within the Urban Growth Boundary are eligible for annexation and urban development. (Areas within the Urban Growth Boundary with designated environmental constraints may be annexed and utilized as functional wetlands, parks, open space and related uses.)

FINDING: The subject site is located within the Urban Growth Boundary and contiguous to city limits, therefore is eligible for annexation. The subject site is generally flat, with no steep slopes or environmental constraints, and generally within a developed neighborhood. As the site has already been previously developed with urban development, and does not contain any known environmental constraints, the property is eligible for annexation.

4. Annexation Ordinance Section 5. - The City shall only annex land that is contiguous to the existing City limits and is within the City's UGB.

Comprehensive Plan Annexation Policy #P-22: [The City shall] only annex land that is contiguous to the existing City limits and is within the City's UGB.

FINDING: The subject site is contiguous with the city boundary on the south and west side of the property and is therefore contiguous with existing City limits and eligible for annexation.

5. Annexation Ordinance Section 6. - An annexation shall be deemed orderly if the annexation territory is contiguous to the existing City limits. An annexation is efficient if the annexation territory can be developed or redeveloped to an urban use. Urban uses may include wetlands, parks, open space and related uses.

Comprehensive Plan Annexation Policy #P-23: [The City shall] deem an annexation orderly if the annexation territory is contiguous to the existing City Limits, and deem an annexation efficient if the annexation territory can be developed or redeveloped to an urban use (urban uses may include functional wetlands, parks, open space and related uses).

FINDINGS: The proposed annexation complies with the above noted criteria as follows:

- (a) The site is contiguous with city limits along the southern and western property line.*
- (b) The property is located within an already developed and urbanized portion of the Urban Growth Boundary and City. Surrounding the property include residential development. The site can be serviced by city water, sewer, and storm drainage. As the property can be serviced by city facilities and transportation system, and is already improved with an urban development, the property would be eligible for annexation.*

6. Annexation Ordinance Section 7. - Development proposals are not required for annexation requests.

Comprehensive Plan Annexation Policy #P-24: [The City shall] recognize and act on the basis that development proposals are not required for annexation requests.

FINDING: The application does not include a concurrent development proposal; however, the site is currently vacant. Any future development proposal would be required to comply with the provisions for the development code for the Z-RM zone, as applicable with approval of the comprehensive plan map amendment.

7. Annexation Ordinance Section 8. - As part of the annexation process of developed property or properties, the City shall consider the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewer, and streets, of existing development within the annexation territory.

Comprehensive Plan Annexation Policy #P-25: [The City shall] consider as part of the annexation process of developed property or properties, the anticipated demands to access key City-provided urban utility services, which are water, storm drainage, sanitary sewer, and streets, of existing development within the annexation territory.

FINDING: The subject property is developed with a single-family dwelling and associated residential accessory structures. City water, sanitary sewer, and storm drainage are available along the south frontage of the property within Russell Drive to serve the existing development on site. Additionally, the site has frontage along Franklin Street and Russell Drive with access to Russell Drive. City services are available and adequate to service the demands of the existing single-family dwelling.

8. Annexation Ordinance Section 9. - As part of the annexation process of developed property or properties, the City shall consider the impacts on key City-provided urban utility

services needed to serve these properties, which are water, storm drainage, sanitary sewer, and streets.

Comprehensive Plan Annexation Policy # P-26: [The City shall] Consider as part of the annexation process of developed property or properties, the impacts on the capacities of key City-provided urban utility services needed to satisfy the anticipated demands of the properties discussed in P-25 above.

FINDING: The subject property is developed with a single-family dwelling and associated residential accessory structures. City water, sanitary sewer, and storm drainage are available along the south frontage of the property within Russell Drive to serve the existing development on site. Additionally, the site has frontage along Franklin Street and Russell Drive with access to Russell Drive. The impacts of the existing single-family dwelling developed on the subject site would be minimal on City-provided services.

9. Annexation Ordinance Section 10. - Needed Public rights-of-way, as identified in adopted transportation plans as necessary for the safe and efficient movement of traffic, bicycles and pedestrians, shall be dedicated to the City either with annexation or when the property develops and/or redevelops and creates an increased demand for the benefits provided by additional rights-of-way dedication.

FINDING: Franklin Street maintains a right-of-way width of 50-feet, and Russell Drive maintains a variable right-of-way width of 50-feet. The adopted 2018 Transportation System Plan identifies Franklin Street and Russell Drive as a collector street, which requires a 60- to 75-foot right-of-way. Therefore, a minimum of 10 feet of right-of-way dedication will be required for properties along these frontages to meet the collector street right-of-way width standard.

The applicant requests that any required street dedication be evaluated when properties along these frontages either develop or redevelop. This Section allows for additional right-of-way dedications to be postponed until such time.

10. Annexation Ordinance Section 11. - Upon annexation, the annexation territory shall be assigned zoning classifications in accordance with the adopted Comprehensive Plan Map, as shown in the City's Annexation Zoning Matrix. Such zoning assignments in and of themselves are not a zoning map change and shall not require approval of a zoning map amendment, or a separate proceeding.

FINDING: The subject property is designated Residential Low Density (C-RL) by the Comprehensive Plan. Consistent with the adopted Zoning Matrix, the only applicable zone is Residential Low Density (Z-RL). A Comprehensive Plan Map Amendment application has been submitted to amend the Comprehensive Plan designation from C-RL to Residential Mixed Density (C-RM) for the application of the Residential Mixed Density (Z-RM) zone designation upon annexation. Findings pertaining to the Comprehensive Plan Map Amendment application are in the above section and incorporated here by reference.

11. Annexation Ordinance Section 12. - If a zoning designation other than one in accordance with the Comprehensive Plan Map (shown in the Annexation Zoning Matrix) is requested by an applicant, the zoning requested shall not be granted until the Comprehensive Plan

Map is appropriately amended to reflect concurrence. Such an amendment shall require a separate application, hearing and decision, which may be held concurrently with an annexation hearing and will not become effective until the annexation is complete.

FINDING: The application includes a request to amend the comprehensive plan map to change the designation from Residential Low Density to Residential Mixed Density. The request for the comprehensive plan map amendment is processed concurrently with the annexation. Findings pertaining to the Comprehensive Plan Map Amendment application are in the above section and incorporated here by reference.

12. Annexation Ordinance Section 13. - The areas within the Urban Growth Boundary with designated environmental constraints may be annexed and developed as functional wetlands, parks, open space and related uses.

FINDING: The subject site is within the Urban Growth Boundary but has no designated environmental constraints. Therefore, this Section does not apply.

13. Annexation Ordinance Section 14. - An “urban use” is hereby defined as any land use that is authorized under the terms and provisions of the land use regulations, Zoning Ordinance (i.e., Development Code), Subdivision Ordinance, Comprehensive Plan, and other related documents of the City of Lebanon.

FINDING: This Section does not apply as the provisions in this Section provide a definition and not a decision criterion.

14. Annexation Ordinance Section 15. - At the applicant’s discretion and with the City’s concurrence, a development or redevelopment proposal for an annexation territory may be acted upon by the Planning Commission immediately following the Commission’s hearing on the annexation proposal and a decision of recommendation of approval to the City Council. However, any approval of the Planning Commission of such a development or redevelopment proposal must be contingent upon subsequent approval of the annexation by City Council.

FINDING: The request does not contain a concurrent development request.

15. Comprehensive Plan Annexation Policy # P-27: Expand the City Limits as necessary to accommodate development, including housing, commercial, industrial, and services (that will in turn accommodate population growth).

FINDING: This Policy does not directly apply as the proposal simply incorporates an existing urbanized parcel into the City limits.

VII. CONCLUSION

The City Council concludes the Comprehensive Plan Map Amendment to designate the subject property as Residential Mixed Density (C-RM), with the Annexation of the subject property and designation of the Residential Mixed Density (Z-RM) zone complies with the applicable decision criteria.